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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/783,613	02/20/2004	Masao Shoji	FPO-CE-24016 (108470-1)	7218
7590 06/29/2005			EXAMINER	
Olson & Hierl, Ltd. 36th Floor 20 N. Wacker Drive Chicago, IL 60606			DUNWIDDIE, MEGHAN K	
			ART UNIT	PAPER NUMBER
			2875	

DATE MAILED: 06/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

2

<b>Office Action Summary</b>	<b>Application No.</b> 10/783,613	<b>Applicant(s)</b> SHOJI, MASAO	
	<b>Examiner</b> Meghan K. Dunwiddie	<b>Art Unit</b> 2875	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-7 is/are pending in the application.  
     4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>02/20/04, 07/06/04</u> . | 6) <input type="checkbox"/> Other: ____  |

### **DETAILED ACTION**

This Office Action is a Non-Final Rejection in response to the application filed on February 25, 2003 by **Shoji**.

#### ***Priority***

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

#### ***Information Disclosure Statement***

2. The information disclosure statements (IDS) submitted on February 20, 2004; July 6, 2004; April 25, 2005; and May 11, 2005 is in compliance with the provisions of 37 CFR 1.97, accordingly, has been considered by the examiner.
3. There is no English abstract or reference to these foreign references listed in the IDS: EP 0974786, FR 998361, and TW 199546. Therefore the examiner did not consider the aforementioned references.

#### ***Specification***

4. The disclosure is objected to because of the following informalities: element "stepped surface" should be referred to as "8s", not "8e". (See page 10 lines 25-26).

Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-6 are rejected under 35 U.S.C. 102(b) as being anticipated by **Petterson** (US 4,530,040).

7. In reference to Claim 1, **Petterson** shows an illuminating apparatus [Figure 6: (10)] projecting light forward [See column 4 lines 5-8], comprising:

- A light source [Figure 6: (18)];
- Forward projecting means [See column 4 lines 5-8] positioned in front of said light source [Figure 6: (18)] to project the light forward; and
- A reflecting mirror [Figure 6: (12)] enclosing said light source [Figure 6: (18)] and said forward projecting means [See column 4 lines 5-8] for directing and reflecting forward the light from said light source [Figure 6: (18)].

8. In reference to Claim 2, **Petterson** show:

- Reflecting mirror [Figure 6: (12)] is a parabolic mirror [Figure 6: (12)] and See column 1 lines 51-52], and said light source [Figure 6: (18)] is positioned at a focus [Figure 6: (16)] of the parabolic mirror [Figure 6: (12)].

9. In reference to Claim 3, **Petterson** shows:

- Forward projecting means [See column 4 lines 5-8] is a Fresnel lens [Figure 6: (14)] having a stepped surface arranged on a plane [See column 5 lines 15-18] on opposite side of said light source [Figure 6: (18)],
- The illumination apparatus [Figure 6: (10)] further comprising transparent air-blocking means [Figure 6: (40)] provided in front of said Fresnel lens [Figure 6: (14)] to prevent said Fresnel lens [Figure 6: (14)] from being exposed to air.

10. In reference to Claim 4, **Petterson** shows:

- Forward projecting means [See column 4 lines 5-8] is a small-diameter reflecting mirror [Figure 6: (22)] having an aperture smaller than that of said reflecting mirror [Figure 6: (12)].

11. In reference to Claim 5, **Petterson** shows:

- Distance varying means [See column 2 line 58-column 3 line 2] that can vary a distance between said forward projecting means [See column 4 lines 5-8] and said light source [Figure 6: (18)].

12. In reference to Claim 6, **Petterson** shows:

- Distance varying means [See column 2 line 58-column 3 line 2] is a screw mechanism [See column 4 line 68-column 5 line 3] provided between a light source-fixing member [Figure 2: (24)] fixing said light source [Figure 6: (18)] and

a forward projecting means-fixing member [Figure 1: (28)] fixing said forward projecting means [See column 4 lines 5-8].

***Claim Rejections - 35 USC § 103***

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Petterson** (US 4,530,040) in view of **Lindner** (US 5,490,045).

15. Regarding Claim 7, **Petterson** shows:

- A light source [Figure 6: (18)]

16. **Petterson** does not show:

- A light source is an LED (Light Emitting Diode)

17. **Lindner** teaches:

- A light source [Figure 6: (24)] is an LED (Light Emitting Diode) [See column 8 lines 41-43]

It would have been obvious for one of ordinary skill in the art, at the time of the invention, to have an LED (Light Emitting Diode) taught by **Lindner** as the light source of **Petterson** for the purpose and advantage of providing an alternate means of a light source and also a long lasting and reliable light source.

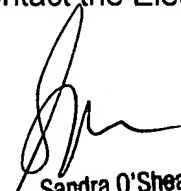
### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Meghan K. Dunwiddie whose telephone number is (571) 272-8543. The examiner can normally be reached on Monday through Friday 8 am-4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (571) 272-2378. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MKD

  
Sandra O'Shea  
Supervisory Patent Examiner  
Technology Center 2800